



**Queer Detainee Empowerment Project**

**Testimony in Support of Increased Immigration Legal Services Funding  
Submitted by Queer Detainee Empowerment Project**

**February 4, 2023**

My name is Van Xelo and I am the organizer at Queer Detainee Empowerment Project (QDEP). QDEP is an abolitionist organization where we work to organize around the structural barriers and state violence that LGBTQIA+ TS & GNC detainee/undocumented folks face related to their immigration status, race, sexuality, and gender expression and identity. Our organization is a member of the New York Immigration Coalition, an umbrella policy and advocacy organization for more than 200 multiethnic, multiracial, and multisector groups across the state working with immigrants and refugees, including many immigration legal service providers. As a member of the Campaign for Access, Representation, and Equity (CARE) for Immigrant Families, this act is crucial for our members to access the legal representation they need in order to process their asylum cases. Many of which are applying to escape the persecution that they faced in their country of origin due to their sexuality and gender expression and identity.

Queer Detainee Empowerment Project is grateful to the New York State Assembly and Senate for convening this important hearing. We have long been vocal advocates of the critical importance of access to legal representation for immigrants in removal proceedings and while applying for immigration benefits. State-funded legal services have provided help to children fleeing persecution in Central America, Afghan refugees newly arrived in the United States, and long-time permanent residents facing deportation. The funding has protected access to justice and literally saved lives. We urge the inclusion of \$100 million in funding for immigration legal services in the FY 2024 New York State Budget.

Unlike in criminal proceedings, where defendants will be given a lawyer if they cannot afford one, immigrants do not have a right to a government-paid attorney in immigration court. Those who cannot afford to hire a private attorney must find a nonprofit able to help or represent themselves. But immigrant New Yorkers lack affordable legal services, especially outside of New York City. Approximately 60,000 people in New York lack representation. Moreover, the uncertainty around continued funding for immigration legal service providers has made it hard for organizations to hire and retain staff, and to guarantee clients they will have lawyers for the duration of their cases.

Having a lawyer represent someone in deportation proceedings makes an enormous difference. 60% of undetained immigrants with lawyers win their cases, versus 17% who don't have legal help. Detained immigrants with legal representation are 10 times more likely to win their cases compared to those who lack counsel, and are seven times more likely to be released from custody than those without counsel.

For these reasons, the 2024 New York State Budget must allocate \$100 million to meet urgent and long-term legal and social service needs of immigrant families in New York. This includes a \$55 million investment to support the year-one implementation of the Access to Representation Act (S999/A170), which, if passed, would create a statutory right to counsel for immigrants facing deportation in New York and would create stable and sustainable funding streams for providers trying to meet the crushing need. This bill would guarantee that no one must defend themselves against a trained government lawyer alone to protect themselves and their families from deportation. Moreover, the 2024 New York State Budget must increase existing immigration legal services funding, including the budget line known as the Liberty Defense Project, to \$35 million from its current \$12 million. This additional funding will ensure that existing programs, including the New York Immigrant Family Unity Project (NYIFUP), have the resources they need for training, recruitment, and ongoing representation. The governor and state legislature must also allocate \$10 million to meet urgent needs of asylum seekers and other immigrants. This allocation would enhance emergency legal and social service support to meet the urgent needs of the newest New Yorkers as they establish stability and safety in this state.

To ensure these investments have a meaningful impact, it is crucial that they be renewed and funding increased for one very specific reason: immigration cases, whether a deportation proceeding or an affirmative application for an immigration benefit like citizenship or Temporary Protected Status, take years to resolve. By not renewing the funding now, the practical effect would be that New Yorkers who were able to gain access to counsel through these programs will effectively lose their lawyers halfway through their cases. By not increasing the funding, legal representatives will not have the capacity to take on new cases in addition to working on the cases they have already opened in previous years. In addition, although Governor Hochul's proposed investment of \$43 million for immigration legal services funding is significant, it remains insufficient to meet the huge need, particularly in areas outside of New York City.

Therefore, Queer Detainee Empowerment Project endorses the continued funding of immigration legal services, the expansion of funding to \$100 million, and the immediate passage of the Access to Representation Act. Thank you for your work on behalf of immigrant communities, for calling this hearing, and for the opportunity to testify today.